

105TH CONGRESS
1ST SESSION

S. 1254

To provide a procedure for the submission to Congress of proposals for, and permit upon subsequent enactment of law, assumption of management authority over certain Federal lands by States and nonprofit organizations; to encourage the development and application to Federal lands of alternative management programs that may be more innovative, less costly, and more reflective of the neighboring communities and public concerns and needs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 1997

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide a procedure for the submission to Congress of proposals for, and permit upon subsequent enactment of law, assumption of management authority over certain Federal lands by States and nonprofit organizations; to encourage the development and application to Federal lands of alternative management programs that may be more innovative, less costly, and more reflective of the neighboring communities and public concerns and needs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Lands Man-
3 agement Adjustment Act”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are to:

6 (1) encourage the development and application
7 to Federal lands administered by the Bureau of
8 Land Management and Forest Service of alternative
9 management programs that may be more innovative,
10 less costly, and more reflective of the neighboring
11 communities and public concerns and needs; and

12 (2) provide a procedure for the submission to
13 Congress of proposals for, and permit upon subse-
14 quent enactment of law, assumption of authority to
15 develop and implement such alternative management
16 programs on certain of those Federal lands by
17 States and nonprofit organizations.

18 **SEC. 3. DEFINITIONS.**

19 For purposes of this Act, the term—

20 (1) “Agencies” or “Agency” means the Bureau
21 of Land Management, Department of the Interior,
22 and/or the Forest Service, Department of Agri-
23 culture;

24 (2) “Committees of Congress” means the Com-
25 mittee on Energy and Natural Resources and the
26 Committee on Agriculture, Nutrition, and Forestry

1 of the Senate and the Committee on Resources and
2 Committee on Agriculture of the House of Rep-
3 resentatives;

4 (3) “Federal lands” means—

5 (A) those lands managed by the Bureau of
6 Land Management and defined in section
7 103(e) of the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. § 1702(e)); and

9 (B) those lands in the National Forest
10 System, including units of the national grass-
11 lands, managed by the Forest Service and de-
12 fined in section 11(a) of the Forest and Range-
13 land Renewable Resources Planning Act of
14 1974 (16 U.S.C. § 1609(a));

15 (4) “eligible Federal lands” shall mean any or
16 all Federal lands located within a State—

17 (A) including any Federal lands within
18 units of the National Wilderness Preservation
19 System, National Wild and Scenic Rivers Sys-
20 tem, and National Trails System: *Provided*,
21 That such lands shall be managed in accord-
22 ance with section 7(b); and

23 (B) excepting—

24 (i) less than all Federal lands within
25 any district of the Bureau of Land Man-

1 agement or any unit of the National For-
2 est System; and

3 (ii) Federal lands within the district
4 of the Bureau of Land Management or
5 unit of the National Forest System which
6 generated the most revenues of any district
7 or unit in the State in the fiscal year pre-
8 ceding the fiscal year in which the State
9 submits an application pursuant to section
10 5 if—

11 (I) the State has more than two
12 districts or more than two units, re-
13 spectively; and

14 (II) management authority is
15 transferred for less than all Federal
16 lands in the State which are described
17 in paragraph (3)(A) or paragraph
18 (3)(B), respectively; and

19 (5) “Secretaries” or “Secretary” means the
20 Secretary of the Interior with respect to the lands
21 described in paragraph (3)(A) and/or the Secretary
22 of Agriculture with respect to the lands described in
23 paragraph (3)(B).

1 **SEC. 4. TRANSFER OF MANAGEMENT AUTHORITY TO**
2 **STATES.**

3 Whenever, pursuant to section 5, a State applies for
4 transfer of authority to the State to manage eligible Fed-
5 eral lands and, pursuant to section 6, the Congress enacts
6 legislation authorizing and directing such transfer, the
7 Secretary with jurisdiction over such lands shall transfer
8 management responsibilities to such State for the period
9 established pursuant to section 10 and in accordance with
10 the procedures and requirements of sections 6 and 7.

11 **SEC. 5. STATE APPLICATION.**

12 (a) APPLICATION AUTHORITY.—(1) Either the Gov-
13 ernor of a State or the State entity which has authority
14 under State law to acquire and convey State lands, after
15 consultation with the Governor, may submit an application
16 or applications for authority to manage all or certain eligi-
17 ble Federal lands within the State to the Committees of
18 Congress, the Secretary or Secretaries with jurisdiction
19 over such lands, and any affected Indian tribes.

20 (2) A State may not submit any other application
21 pursuant to this subsection during the two-year period of
22 review of an application from such State provided for by
23 section 6(c). A State may submit another application pur-
24 suant to this subsection at any time after the conclusion
25 of the review period whether Congress enacts or fails to

1 enact a law during the review period in accordance with
2 6(c).

3 (b) APPLICATION CONTENTS.—Each application of a
4 State pursuant to subsection (a) shall—

5 (1) describe the eligible Federal lands for which
6 management authority is sought;

7 (2) provide a summary and the text of State
8 law or laws accepting the responsibility, and provid-
9 ing the authority, for the management of such eligi-
10 ble Federal lands by the State, including any law or
11 laws concerning State trust lands which may be ap-
12 plicable to such eligible Federal lands; and

13 (3) describe the administrative and technical
14 personnel who will be assigned, and the funding that
15 will be provided, to the management of such eligible
16 Federal lands, including what procedures the State
17 will use to identify and employ personnel from the
18 Agencies who have knowledge of or expertise con-
19 cerning such eligible Federal lands and seek such
20 employment.

21 **SEC. 6. PROCEDURES FOR GRANTING STATE MANAGEMENT**
22 **AUTHORITY.**

23 (a) NOTICE OF APPLICATION.—(1) Within 10 days
24 of receipt of an application from a State to manage eligible
25 Federal lands pursuant to section 5, the Secretary or Sec-

1 retaries shall publish in the Federal Register a notice of
2 availability of the application.

3 (2) A notice of availability of an application published
4 pursuant to paragraph (1) shall include a description of
5 the eligible FFederal lands for which management author-
6 ity is sought and the addresses at which a copy of the
7 application is available for public review. Such addresses
8 shall include the principal office or offices of the relevant
9 Agency or Agencies within the State which submitted the
10 application and in Washington, DC.

11 (b) REPORT OF SECRETARY.—Within 90 days of re-
12 ceipt of an application from a State to manage eligible
13 Federal lands pursuant to section 5, the Secretary or each
14 Secretary shall submit to the Committees of Congress and
15 any affected Indian tribe an advisory report on the appli-
16 cation, which shall:

17 (1) assess—

18 (A) the adequacy of the State law to man-
19 age such lands;

20 (B) the qualifications of the personnel to
21 be assigned to the management of such lands;

22 (C) the adequacy of the funding for the
23 management of such lands; and

24 (D) the effect, if any, on any Indian tribe
25 of management of such lands by the State; and

1 (2) provide any recommendations the Secretary
2 may wish to make concerning the application.

3 (c) REPORT OF AFFECTED INDIAN TRIBE.—Within
4 60 days of the date of submission to the Committees of
5 Congress of an advisory report on an application for a
6 State to manage eligible Federal lands pursuant to section
7 5, any Indian tribe to which the application was submitted
8 pursuant to section 5, or which was identified pursuant
9 to subsection (b)(1)(D), may submit a report on the appli-
10 cation to the Committees.

11 (d) CONGRESSIONAL ACTION.—A State may assume
12 management authority for eligible Federal lands subject
13 to an application pursuant to section 5 only if Congress
14 enacts a law authorizing such assumption of authority. If
15 Congress does not enact a law authorizing the assumption
16 of management authority by a State within two years from
17 the date of receipt of the application of the State by the
18 Committees of Congress, the application shall be deemed
19 to be denied.

20 **SEC. 7. STATE MANAGEMENT OF ELIGIBLE FEDERAL**
21 **LANDS.**

22 (a) APPLICABLE LAW.—Except as provided otherwise
23 in this section, upon enactment of a law pursuant to sec-
24 tion 6(c) which authorizes a State to assume the authority
25 to manage eligible Federal lands, the State shall manage

1 such lands subject to valid existing rights and in accord-
2 ance with applicable State law, such authorizing law, and
3 other Federal law applicable to State lands.

4 (b) FEDERAL CONSERVATION SYSTEM LANDS.—Any
5 eligible Federal lands for which a State has assumed man-
6 agement authority pursuant to this title which are within
7 units of the National Wilderness Preservation System, Na-
8 tional Wild and Scenic Rivers System, or the National
9 Trails System shall be managed by the State in accord-
10 ance with the Acts establishing such systems.

11 (c) EXISTING LEASES, PERMITS, AND OTHER AU-
12 THORIZATIONS.—(1) Upon enactment of a law pursuant
13 to section 6(c) which authorizes a State to assume the au-
14 thority to manage eligible Federal lands, the State shall
15 assume all rights and responsibilities of the United States
16 under and for each Federal grazing permit, mineral lease,
17 contract for sale of forest products, or other use authoriza-
18 tion for such lands.

19 (2) During the remainder of the term of any use au-
20 thorization described in paragraph (1), the use authoriza-
21 tion and all rights, terms, agreements, and responsibilities
22 under such authorization (including authorizations for
23 easements, facilities, operations, or other appurtenances
24 on the lands to which the use authorization applies) shall
25 be honored and enforced by the State under the existing

1 terms of the use authorization and applicable Federal law
2 and regulations, except that all rents, royalties, fees, and
3 other payments formerly due to the United States under
4 such authorization shall be payable by the holder to the
5 State in accordance with subsection (e).

6 (3) Any use authorization described in paragraph (1)
7 shall terminate at the end of the term thereof and shall
8 not be renewed or extended. Upon the termination of a
9 use authorization described in paragraph (1) through no
10 fault of the holder of such authorization, the holder shall
11 be entitled to a right-of-first-refusal for the issuance of
12 an authorization for the same use by the State pursuant
13 to State law.

14 (d) HARDROCK MINERAL RIGHTS.—(1) Upon enact-
15 ment of a law pursuant to section 6(c) which authorizes
16 a State to assume the authority to manage eligible Federal
17 lands—

18 (A) except as provided in subparagraph (B),
19 any valid existing mining claim or site established
20 under the general mining laws on such lands, and all
21 rights associated with such mining claim or site,
22 shall continue to be administered by the Secretary of
23 the Interior, until the mining claim or site is pat-
24 ented, abandoned, declared invalid, or, at the elec-
25 tion of the owner of the mining claim or site, con-

1 verted to a State lease or other disposition under
2 State law; and

3 (B) until a mining claim or site identified in
4 subparagraph (A) is patented, abandoned, declared
5 invalid, or, at the election of the owner of the mining
6 claim or site, converted to a State lease or other dis-
7 position under State law—

8 (i) the Secretary shall consult with the
9 State on minerals management decisions re-
10 garding approval of plans of operation, regula-
11 tion of surface use, and potential environmental
12 impacts; and

13 (ii) the State shall have authority to man-
14 age the surface estates and to make disposition
15 of other minerals and rights and be entitled, in
16 accordance with subsection (e), to such reve-
17 nues derived therefrom, so long as such State
18 action does not violate the rights associated
19 with valid existing mining claims or sites under
20 the general mining laws.

21 (2) When used in this subsection, the term—

22 (A) “general mining laws” means those Acts
23 which generally comprise chapters 2, 11, 12, 12A,
24 15, and 16, and sections 161 and 162, of Title 30
25 of the United States Code, all Acts which are

1 amendatory of or supplementary to any of the fore-
2 going Acts, and the judicial and administrative deci-
3 sions interpreting such Acts; and

4 (B) “mining claim or site” means a lode mining
5 claim, placer mining claim, mill site, or tunnel site.

6 (e) REVENUES.—(1) Upon enactment of a law pursu-
7 ant to section 6(c) which authorizes a State to assume
8 the authority to manage eligible Federal lands, the State
9 shall receive all rents, royalties, fees, and other receipts
10 derived from the eligible Federal lands which become due
11 and payable beginning on the first day of the first full
12 month following the effective date of such law. Within
13 thirty days of receipt of any such receipts, the State shall
14 pay into the Treasury of the United States that portion
15 of the receipts which is derived from activities on such
16 lands that occurred prior to the effective date or which
17 is otherwise allocated to a period preceding the effective
18 date. Within thirty days of the effective date, the Sec-
19 retary of the Treasury shall pay to the State that portion
20 of any receipts paid in advance for a period that extends
21 beyond the effective date which is allocated to the remain-
22 der of the period beginning on the effective date.

23 (2) Except as provided in subsection (c), all revenues
24 and fees from eligible Federal lands for which the State
25 assumes management authority pursuant to section 6(c)

1 shall be imposed and collected in accordance with applica-
2 ble State law.

3 (3) Except as provided in paragraph (1), a State
4 which assumes management authority over eligible Fed-
5 eral lands pursuant to section 6(c) shall distribute the rev-
6 enues and fees received from such lands in accordance
7 with applicable State law.

8 (f) SUBSISTENCE USE AND TREATY RIGHTS.—(1)
9 The provisions of title VIII of the Alaska National Interest
10 Lands Conservation Act (16 U.S.C. §§ 3111–3126) con-
11 cerning subsistence management and use of Federal lands
12 shall apply to any eligible Federal lands in Alaska for
13 which the State of Alaska assumes management authority
14 under a law enacted pursuant to section 6(c).

15 (2) Any Indian treaty right to sue eligible Federal
16 lands shall be respected by the State which assumes man-
17 agement authority over such lands under a law enacted
18 pursuant to section 6(c).

19 (g) ACCESS.—Access to any non-Federal lands over,
20 upon, under or through eligible Federal lands for which
21 a State assumes management authority under a law en-
22 acted pursuant to section 6(c) shall be granted by the
23 State in accordance with the provisions of section 1323
24 of the Alaska National Interests Lands Conservation Act
25 (16 U.S.C. § 3210).

1 (h) PAYMENTS IN LIEU OF TAXES.—Payments by
2 the United States in lieu of taxes pursuant to the provi-
3 sions of Chapter 69, Payment for Entitlement Land, of
4 title 31 of the United States Code or any other payments
5 by the United States in lieu of or to offset declining reve-
6 nues from Federal lands shall cease as to any eligible Fed-
7 eral lands which are the subject of a law enacted pursuant
8 to section 6(c) at the end of the month in which the law
9 is enacted.

10 **SEC. 8. AUTHORIZATION FOR TRANSITION APPROPRIA-**
11 **TIONS.**

12 (a) AUTHORIZATION.—Unless otherwise provided in
13 a law authorizing a State to assume the authority to man-
14 age eligible Federal lands enacted pursuant to section
15 6(c), there are authorized to be appropriated for use by
16 such State in managing such lands in the first, second,
17 and third full fiscal years after the date of enactment of
18 such law amounts of funds equal to 75 percentum, 50
19 percentum, and 25 percentum, respectively, of the appro-
20 priated funds expended for the management of such lands
21 in the full fiscal year immediately prior to such date.

22 (b) REIMBURSEMENT.—Any State that elects to re-
23 ceive appropriated funds pursuant to subsection (a) shall
24 reimburse the Treasury of the United States for each

1 amount received and interest therein within seven years
2 of the date of receipt thereof.

3 **SEC. 9. TRANSITION.**

4 Whenever a law authorizing a State to assume the
5 authority to manage eligible Federal lands is enacted pur-
6 suant to section 6(c)—

7 (1) the Federal records and personal property
8 which were used for or pertain to the management
9 of such lands, and so much of the unexpended bal-
10 ances of appropriations, allocations, and other funds
11 as were available on the date of enactment of such
12 law for the management of such lands for the re-
13 mainder of the fiscal year, shall be transferred or
14 provided on such date, or as soon thereafter as is
15 possible, to the State, except that no such unex-
16 pended balance transferred shall be used for pur-
17 poses other than those for which the appropriation
18 was originally made; and

19 (2) upon the request of the State, the Secretary
20 or Secretaries with jurisdiction over such lands on
21 the day before the date of enactment of such law
22 may detail to the State for temporary service of not
23 more than one year Federal personnel who had re-
24 sponsibilities for or were engaged in activities con-

cerning the management of such lands on or before
such day.

SEC. 10. TERM OF STATE MANAGEMENT.

(a) TERM.—Unless provided otherwise in the applicable law enacted pursuant to section 6(c) or a law repealing or otherwise modifying such law, the term for which a State shall be granted authority to manage eligible Federal lands shall be ten years.

(b) CONTINUED STATE ROLE.—(1) If the State wishes to continue management of the eligible Federal lands referred to in subsection (a) for another ten-year term, the State shall submit an application therefor pursuant to section 5(a) not later than two years prior to the date of expiration of the current term. The application shall meet the requirements of section 5(b), include a detailed report on the management of such lands during the current term, and be processed in accordance with the procedures of section 6.

(2) Alternatively, if the State wishes to obtain ownership of all or any portion of the eligible Federal lands referred to in subsection (a), the State may submit an application therefor pursuant to section 5(a) not later than two years prior to the date of expiration of the current term of State management. The application shall meet the requirements of section 5(b) and include a detailed report

1 on the management of such lands during the current term.
 2 Any consideration given by the Congress to an application
 3 under this paragraph shall not be governed by the provi-
 4 sions of this Act.

5 **SEC. 11. RETURN TO FEDERAL MANAGEMENT.**

6 (a) RESUMPTION OF FEDERAL AUTHORITY.—When-
 7 ever the term of State management of eligible Federal
 8 lands under a law enacted pursuant to section 6(c) expires
 9 without authorization for continued management of such
 10 lands by the State, or without transfer of title to such
 11 lands to the State, pursuant to section 10(b), the Sec-
 12 retary or Secretaries with jurisdiction over such lands
 13 shall on the day following the final date of the term—

14 (1) assume authority to manage such lands in
 15 accordance with all applicable Federal law, except as
 16 provided in paragraph (2) and subsection (b); and

17 (2) assume all rights and responsibilities of the
 18 State under any authorization issued by the State
 19 for use of such lands in accordance with section 7(c)
 20 or State law.

21 (b) STATE USE AUTHORIZATIONS.—(1) During the
 22 remainder of the term of any use authorization described
 23 in subsection (a)(2), the use authorization and all rights,
 24 terms, agreements, and responsibilities under such author-
 25 ization (including authorizations for easements, facilities,

1 operations, or other appurtenances on the lands to which
2 the use authorization applies) shall be honored and en-
3 forced by the Secretary concerned under the existing
4 terms of the use authorization and applicable State law,
5 except that all rents, royalties, fees, and other payments
6 formerly due to the States under such authorization shall
7 be payable by the holder to the Treasury of the United
8 States in accordance with subsection (c).

9 (2) Any use authorization described in subsection
10 (a)(2) shall terminate at the end of the term thereof and
11 shall not be renewed or extended. Upon the termination
12 of a use authorization described in subsection (a)(2)
13 through no fault of the holder of such authorization, the
14 holder shall be entitled to a right-of-first-refusal for the
15 issuance of an authorization for the same use by the Sec-
16 retary pursuant to applicable Federal law which is not
17 contrary to this paragraph.

18 (c) REVENUES.—Upon expiration of the term of
19 State management of eligible Federal lands described in
20 subsection (a), the Treasury of the United States shall re-
21 ceive all rents, royalties, fees and other receipts derived
22 from the eligible Federal lands which become due and pay-
23 able beginning on the first day of the first full month fol-
24 lowing the final date of the term of State management.
25 Within thirty days of receipt of any such receipts, the Sec-

1 retary of the Treasury shall pay to the State that portion
2 of the receipts which is derived from activities on such
3 lands that occurred during, or which is otherwise allocated
4 to a period within, the term of State management. Within
5 thirty days of the final date of the term of State man-
6 agement, the State shall pay to the Treasury of the United
7 States that portion of any receipts paid in advance for a
8 period that extends beyond the final date of the term
9 which is allocated to the remainder of the period beginning
10 on the day following such date.

11 (d) PAYMENTS IN LIEU OF TAXES.—Upon expiration
12 of the term of State management of eligible Federal lands
13 described in subsection (a), payments by the United States
14 in lieu of taxes pursuant to the provisions of Chapter 69,
15 Payment for Entitlement Land, of title 31 of the United
16 States Code for such lands shall resume on the first day
17 of the first full month after the final date of the term.

18 (e) TRANSITION.—Upon expiration of the term of
19 State management of eligible Federal lands described in
20 subsection (a), the State records and personal property
21 which were used for or pertain to the management of such
22 lands shall be transferred or provided to the Secretary or
23 Secretaries with jurisdiction over such lands on the day
24 following the final date of the term, or as soon thereafter
25 as possible.

1 **SEC. 12. TRANSFER OF MANAGEMENT AUTHORITY TO NON-**
2 **PROFITS.**

3 (a) APPLICATION.—(1) Any nonprofit organization
4 which qualifies under paragraph (2) may submit an appli-
5 cation pursuant to this subsection for authority to manage
6 Federal lands comprising—

7 (A) not less than all Federal lands within any
8 district of the Bureau of Land Management or any
9 unit of the National Forest System; and

10 (B) not more than three units of the National
11 Forest System or three districts of the Bureau of
12 Land Management, or a combination thereof, in the
13 same general area.

14 (2) A nonprofit organization eligible to submit an ap-
15 plication for authority to manage Federal lands pursuant
16 to this subsection shall be a corporation or other entity
17 that is organized under the laws of the State in which
18 is situated all or a majority of such lands and for the ex-
19 press purpose of managing such lands, and is described
20 in section 501(c)(3) of the Internal Revenue Code of 1986,
21 as amended.

22 (3) Each application of a nonprofit organization pur-
23 suant to paragraph (1) shall—

24 (A) describe the Federal lands for which man-
25 agement authority is sought;

1 (B) document the eligibility of the organization
2 to submit the application as set forth in paragraph
3 (2) and describe the qualifications of the organiza-
4 tion to assume management authority over such
5 lands;

6 (C) identify any exception or exemption from
7 Federal law applicable to such lands that the organi-
8 zation deems necessary or appropriate for the exer-
9 cise of management authority by it; and

10 (D) describe the relationship the organization
11 intends to establish with the personnel of the Agency
12 or Agencies with jurisdiction over such lands who,
13 on the date of submission of the application, have
14 the authority to make and implement management
15 decisions specific to such lands, and identify any
16 changes in such personnel which the organization ex-
17 pects to make within the first year of the assump-
18 tion of management authority by the organization.

19 (4) Each application of a nonprofit organization pur-
20 suant to paragraph (1) shall be submitted to the Commit-
21 tees of Congress, the Secretary or Secretaries with juris-
22 diction over the Federal lands to which the application ap-
23 plies, the Governor of each State in which such Federal
24 lands are located, any affected Indian tribe, and any af-
25 fected local government.

1 (b) PROCEDURE FOR GRANTING MANAGEMENT AU-
2 THORITY.—(1)(A) Within ten days of receipt of an appli-
3 cation from a nonprofit organization pursuant to sub-
4 section (a), the Secretary or Secretaries shall publish in
5 the Federal Register a notice of availability of the applica-
6 tion.

7 (B) A notice of availability of an application pursuant
8 to subparagraph (A) shall include a description of the
9 Federal lands for which management authority is sought
10 and the nonprofit organization seeking such authority, and
11 the addresses at which a copy of the application is avail-
12 able for public review. Such addresses shall include the
13 district manager's office for each district of the Bureau
14 of Land Management, and the forest supervisor's office
15 for each unit of the National Forest System, within the
16 Federal lands for which management authority is sought.

17 (2) Any Secretary concerned, any State in which are
18 located the Federal lands for which management authority
19 is sought, any affected Indian tribe, and any affected local
20 government may provide comments to the Committees of
21 Congress on the application submitted pursuant to sub-
22 section (a) within sixty days of the date of the publication
23 of the notice of the application pursuant to paragraph (1).

24 (3) A nonprofit organization may assume manage-
25 ment authority for Federal lands subject to an application

1 pursuant to subsection (a) only if Congress enacts a law
2 authorizing such assumption of authority. If Congress
3 does not enact a law authorizing the assumption of man-
4 agement authority by a State within two years from the
5 date of receipt of the application by the Committees of
6 Congress, the application shall be deemed denied.

7 (c) APPLICABLE LAWS.—Upon enactment of a law
8 pursuant to subsection (b)(3) which authorizes a nonprofit
9 organization to assume the authority to manage Federal
10 lands, the organization shall manage such lands in accord-
11 ance with all applicable Federal laws: *Provided*, That the
12 organization shall not be required to comply with—

13 (1) any provision of Federal law for which the
14 organization requested in its application submitted
15 pursuant to subsection (a), and Congress explicitly
16 granted in the law enacted pursuant to subsection
17 (b)(3), an exemption or exception; and

18 (2) any regulations, policies established without
19 regulations, or Agency guidance applicable to such
20 lands, if such organization otherwise complies with
21 the applicable Federal laws.

22 (d) TRANSITION APPROPRIATIONS.—(1) Unless oth-
23 erwise provided in the law enacted pursuant to subsection
24 (b)(3) authorizing a nonprofit organization to assume the
25 authority to manage Federal lands, or the applicable ap-

1 appropriations acts, the Secretary or Secretaries concerned
2 shall provide the nonprofit organization in the first, sec-
3 ond, and third full fiscal years after the date of enactment
4 of such law amounts of appropriated funds equal to 75
5 percentum, 50 percentum, and 25 percentum, respectively,
6 of the appropriated funds expended for the management
7 of such lands in the full fiscal year immediately prior to
8 such date.

9 (2) Any nonprofit organization that receives funds
10 pursuant to paragraph (1) shall reimburse the Treasury
11 of the United States for each amount received and interest
12 thereon within seven years of receipt thereof.

13 (e) REVENUES.—Upon enactment of a law pursuant
14 to subsection (b)(3), the Federal share of all rents, royal-
15 ties, fees, and other receipts, including any revenues from
16 the sale or lease of Federal coal, oil, gas, or other min-
17 erals, that is derived from each unit of the Federal lands
18 to which the law applies and is received after the date of
19 enactment of the law shall be returned to such unit to
20 be available without fiscal year limitation or further appro-
21 priation.

22 (f) PERSONNEL.—Upon the date of enactment of a
23 law pursuant to subsection (b)(3), the nonprofit organiza-
24 tion to which the law applies shall make all decisions relat-
25 ed to the employment and compensation of the personnel

1 of the Agency or Agencies concerned who are responsible
2 for implementing management decisions specific to the
3 Federal lands to which the law applies. Personnel from
4 the Agency or Agencies concerned who are responsible for
5 managing the Federal lands to which the law applies upon
6 the date of enactment of the law, and any additional per-
7 sonnel from either Agency employed by the nonprofit orga-
8 nization after the date of enactment of the law, shall re-
9 main Federal employees. Additional personnel employed
10 from outside of either Agency by the nonprofit organiza-
11 tion after the date of enactment of the law shall be em-
12 ployees of the nonprofit organization. Employment and
13 compensation of all personnel who are Federal employees
14 shall be governed by applicable Federal law.

15 (g) TERM OF MANAGEMENT; RENEWAL.—(1) Unless
16 otherwise provided in the applicable law enacted pursuant
17 to subsection (b)(3), or a law repealing or otherwise modi-
18 fying such law, the term for which a nonprofit organiza-
19 tion shall be granted authority to manage Federal lands
20 shall be ten years.

21 (2) If the nonprofit organization wishes to continue
22 management of the Federal lands referred to in paragraph
23 (1) for another 10-year term, the nonprofit organization
24 shall submit an application therefor pursuant to sub-
25 section (a)(2) not later than two years prior to the date

1 of expiration of the current term. The application shall
2 meet the requirements of subsection (a), include a detailed
3 report on the management of such lands during the cur-
4 rent term, and be processed in accordance with subsection
5 (b).

6 (h) RETURN TO FEDERAL MANAGEMENT.—(1) With-
7 in thirty days of the expiration of a term of management
8 of Federal lands by a nonprofit organization under a law
9 enacted pursuant to subsection (b)(3) without authoriza-
10 tion for continued management of such lands by the non-
11 profit organization pursuant to subsection (g)(2), the non-
12 profit organization shall pay into the Treasury of the
13 United States all revenues received pursuant to subsection
14 (e), together with any interest earned thereon, that have
15 not been expended in managing the Federal lands.

16 (2) Upon the expiration of the term of management
17 of Federal lands by a nonprofit organization described in
18 paragraph (1), all rents, royalties, fees and other receipts
19 which become due and payable beginning on the first day
20 of the first full month following the final date of the term
21 of management by the organization shall be distributed
22 in accordance with applicable Federal law, notwithstand-
23 ing subsection (e) of this section.

1 **SEC. 13. VENUES.**

2 (a) STATE COURTS.—Any litigation concerning any
3 action, other than an action pursuant to section 7(d)(1),
4 on any eligible Federal lands for which a State has as-
5 sumed management authority under a law enacted pursu-
6 ant to section 6(c) shall be brought in the appropriate
7 State court.

8 (b) FEDERAL COURTS.—(1) This Act and any law
9 enacted pursuant to section 6(c) or section 12(b)(3) shall
10 be subject to judicial review only as provided by this sub-
11 section.

12 (2) Any litigation alleging that this Act or any law
13 enacted pursuant to section 6(c) or section 12(b)(3) is in-
14 valid, or an action under this Act or such law denies rights
15 under the Constitution of the United States or is beyond
16 the scope of authority conferred by this Act or such law,
17 may be brought within sixty days of the date of enactment
18 of this Act or such law, as the case may be. A claim shall
19 be barred unless a complaint is filed within the time speci-
20 fied in this paragraph.

21 (3) Any litigation described in paragraph (2) concern-
22 ing this Act may be brought in the United States District
23 Court for the District of Columbia and any litigation de-
24 scribed in paragraph (2) concerning any law enacted pur-
25 suant to section 6(c) or section 12(b)(3) may be brought
26 in the United States District Court for the district in

1 which is situated all or a majority of the lands to which
2 such law applies. No other court of the United States, of
3 any State, territory, or possession of the United States,
4 or of the District of Columbia, shall have jurisdiction over
5 any such claim.

6 **SEC. 14. EFFECT ON OTHER FEDERAL LAWS.**

7 Any transfer of management authority over Federal
8 lands pursuant to section 6(c) or section 12(b)(3) shall
9 not require or permit any administrative action, including
10 revisions, amendments, supplementation, or other action
11 of, to, or pertaining to resource management plans, stand-
12 ards, guidelines, policies, or guidance concerning individ-
13 ual or multiple units of Federal lands because of imple-
14 mentation, or site-specific or cumulative impacts of imple-
15 mentation, of such management authority.

